

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: Franklin Albert Bennett, III,
Debtor.

Chapter 13
Case No. 16-14281-elf

ORDER

AND NOW, this day of _____, 2018, upon consideration of Debtors Emergency Motion to Hear Motions Pending, and any response of thereto, it is hereby **ORDERED** that the Motion is **GRANTED**.

BY THE COURT:

U.S.D.C.C.J. Eric L. Frank

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DEBTORS EMERGENCY MOTION TO HEAR MOTIONS PENDING

Debtor hereby files the above captioned and states as follows:

1. Debtor filed this Chapter 13 on June 14, 2016.
2. On 12/6/16, Debtor filed on behalf of Creditor Citibank, N.A., as trustee for the Wachovia Loan Trust, 2005-SD1 Asset-Backed Certificates, Series 2005-SD1 a proof of claim for a property located at 516 Brookview Road, Exton, PA 19341 and incorrectly identified Creditor as CitiMortgage, Inc for a stated amount of \$10,000.00.
3. Citigroup is the parent company for Creditor Citibank, N.A. and for CitiMortgage, Inc
4. Since 4/26/17, Creditor Citibank, N.A., as trustee for the Wachovia Loan Trust, 2005-SD1 Asset-Backed Certificates, Series 2005-SD1 has had notice of Debtors bankruptcy and has allowed debtor to build on the land subject to the claim.
5. On 1/9/18 Creditor filed a motion for relief from the automatic stay for Debtor failing to provide for Creditor in his plan.
6. On 2/6/18, the court granted the motion as debtor incorrectly listed CitiMortgage, Inc instead of Citibank, N.A..
7. On 2/6/17, Debtor filed an amended proof of claim and amended schedule D correcting creditors name.
8. On 2/6/17, Debtor filed a new proof of claim for Creditor Citibank, N.A., as trustee for the Wachovia Loan Trust, 2005-SD1 Asset-Backed Certificates, Series 2005-SD1

9. On 2/6/17, Debtor filed DEBTOR'S MOTION AMEND PLAN AND REINSTATE AUTOMATIC STAY correcting the name of the Creditor in its Eighth Amended Plan.

10. On 2/6/17, Debtor filed DEBTORS MOTION TO MOTION TO DETERMINE VALUE OF 516 BROOKVIEW ROAD, EXTON, PA 19341

11. On 2/6/17, Debtor filed a MOTION TO AMEND PROOF OF CLAIM #10 AND OR ALLOW PROOF OF CLAIM PAST DEADLINE CLAIM 13 seeking the Courts approval to either allow the amended proof of claim or allow the filing of a new claim after the claims deadline has passed.

12. On 2/6/17, Debtor filed DEBTORS MOTION FOR RECONSIDERATION OF THE COURT GRANTING MOTION FOR RELIEF FROM STAY RE PROPERTY ADDRESS 516 BROOKVIEW ROAD EXTON PA 19341.

13. All motions are pending before the Court.

14. A hearing on the motions are scheduled to be held before the Chief Judge Eric L. Frank on March 13, 2018 at 1:00pm in Courtroom 1.

15. 516 BROOKVIEW ROAD EXTON PA 19341 has been improved on by framing a house on the land.

16. The house is wood frame and plywood exterior.

17. Debtor was scheduled to encapsulate the property this week installing windows and doors then siding to protect the structure for the elements as water destroys/ weaken wood.

18. The installation of said items is critical to stabilizing the structure because if left unencapsulated then the elements would structurally compromise and destroy the building.

19. Creditor has filed responses to the motions and there would not be any harm to Creditor in deciding the motions at this time.

20. Debtor has hired an appraiser who is performing a historical appraisal and a currant appraisal.
21. Debtor has emailed Creditors attorney giving Creditor the option of performing an appraisal.
22. All documents and motions referenced are incorporated by reference.

WHEREFORE, Debtor request that his motion be granted.

Respectfully submitted,

/s Franklin A. Bennett III
Franklin A. Bennett III, Esq. (201709)
Attorney and Debtor
4700-12 Castor Avenue
Philadelphia, PA 19124
215-744-5550 (office)

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CERTIFICATE OF SERVICE

I, Franklin A. Bennett III, hereby certify that on 2/12/18, a true and correct copy of the foregoing Motion was filed electronically and is available for viewing and downloading from the ECF system. I further certify that all parties of record are participants in, and will receive electronic service through the ECF system.

Further, I served **Citibank, N.A., as trustee for the Wachovia Loan Trust, 2005-SD1 Asset-Backed Certificates, Series 2005-SD1** via regular mail care of (c/o) the following:

Citibank, N.A., as trustee for the Wachovia Loan Trust, 2005-SD1 Asset-Backed Certificates, Series 2005-SD1
c/o WELLS FARGO BANK N A
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

Citibank, N.A., as trustee for the Wachovia Loan Trust, 2005-SD1 Asset-Backed Certificates, Series 2005-SD1
c/o Robert P. Wendt, Esq.
Phelan Hallinan, Diamond & Jones, LLP
Omni William Penn Office Tower
555 Grant Street, Suite 300
Pittsburgh, PA 15219
robert.wendt@phelanhallinan.com
T: 412-745-0600 Ext. 37382
F: 412-745-0601

Citibank, N.A., as trustee for the Wachovia Loan Trust, 2005-SD1 Asset-Backed Certificates, Series 2005-SD1
c/o Jerome B. Blank, Esquire
Senior Bankruptcy Associate
Phelan Hallinan Diamond & Jones, LLP
One Penn Center at Suburban Station
1617 JFK Blvd, Suite 1400
Philadelphia, PA 19103
(215) 563-7000 Ext 31625
(215) 568-7616 (fax)
jerome.blank@phelanhallinan.com

Citibank, N.A., as trustee for the Wachovia Loan Trust, 2005-SD1 Asset-Backed Certificates, Series 2005-SD1

c/o Milstead & Associates, LLC
220 Lake Drive East, Ste 301
Cherry Hill, NJ 08002

Respectfully submitted,

BENNETT & ASSOCIATES, LLC

/s Franklin A. Bennett III

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